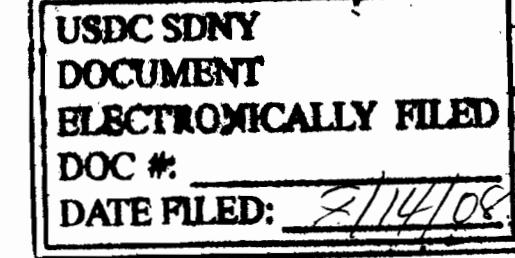


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JENNIFER MASCOLA,

Plaintiff,

SCHEDULING ORDER

-against-

GENESIS BIOSYSTEMS, INC., JAMES  
D. LAFFERTY, and KIRK SLUSHER,Conference Date:  
August 13, 2008

Defendants.

X

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on July 24, 2008 (the Order); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) The date of the conference and the appearances for the parties;

August 13, 2008

Nathaniel Burney, Esq.

The Burney Law Firm, LLC

For Plaintiff Jennifer Mascola

Joseph M. Martin, Esq.

Jackson Lewis LLP

For Defendants Genesis Biosystems, Inc.

And James D. Lafferty

(2) A concise statement of the issues as they then appear;

Whether Plaintiff can prove her claim of defamatory statements as outlined in her Complaint and, if so, whether she is entitled to damages and injunctive relief.

Whether Plaintiff can prove her claim of sexual harassment as outlined in her Complaint and, if so, whether she is entitled to damages.

(3) A schedule including:

- by JAN 30
- (a) The names of persons to be deposed and a schedule of planned depositions;

At this point in time, Defendants intend to depose the Plaintiff Jennifer Mascola. Defendants have not yet determined who else they plan to depose in this matter, but will advise Plaintiff's counsel when they make that determination.

At this time, Plaintiff intends to depose the Defendant, James Lafferty, and the Defendant, Kirk Slusher. Plaintiff has not yet determined who else she intends to depose in this matter, and respectfully requests leave to amend at a later date.

*Information Disclosure Stmt. 2*

- (b) A schedule for the production of documents;

First Set of Interrogatories and First Request for Production of Documents to be served by no later than September 15, 2008.

- Start discovery*  
*to close*  
*JAN 30*
- (c) Dates by which:

(i) each expert's reports will be supplied to the adverse side; Plaintiff's expert report to be supplied to Defendant by December 15, 2009. Defendants' expert report to be supplied to Plaintiff by January 15, 2009.

(ii) each expert's deposition will be completed; Expert depositions to be completed by February 15, 2009.

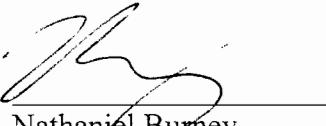
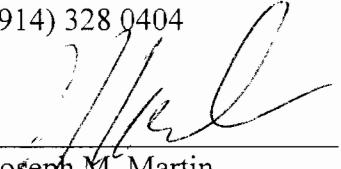
- all*
- (d) time when ~~discovery~~ is to be completed; March 15, 2009.

- (e) the date by which plaintiff will supply its pre-trial order matters to defendant April 10, 2009;

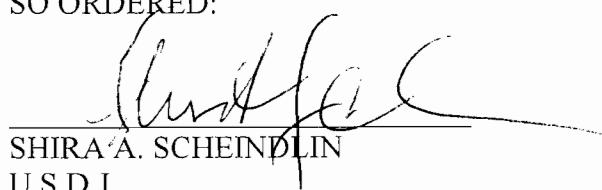
- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed *voir dire* questions and proposed jury instructions, for a jury trial June 1, 2009; and

- (g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

*Feb. 11 at 4:30*

- (4) A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;  
Plaintiff to be deposed first. No other limitations at this time. The Parties will discuss these issues with each other if the need arises and will attempt to reach agreement on these issues without involving the Court where possible.
- (5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;  
The Parties will discuss these issues with each other if the need arises and will attempt to reach agreement on these issues without involving the Court where possible.
- (6) Anticipated fields of expert testimony, if any;  
Unknown at this time.
- (7) Anticipated length of trial and whether to court or jury;  
The parties currently anticipate a 5-7 day trial. Plaintiff has requested a jury trial.
- (8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;
- (9) Names, addresses, phone numbers and signatures of counsel;  
The Burney Law Firm, LLC. Jackson Lewis, LLP  
Nathaniel Burney, Esq. Joseph M. Martin, Esq.  
747 Third Avenue, 32<sup>nd</sup> Floor Susanne Kantor, Esq.  
New York, NY 10017 One North Broadway  
(212) 797-2975 White Plains, NY 10601  
(914) 328 0404
- By:   
Nathaniel Burney  
Attorney for Plaintiff  
Jennifer Mascola
- By:   
Joseph M. Martin  
Attorney for Defendants  
Genesis Biosystems, Inc. and  
James D. Lafferty

SO ORDERED:

  
SHIRA A. SCHEINDLIN  
U.S.D.J.